

**CAUSE NO. PD-0967-17**

<b>PETER ANTHONY TRAYLOR</b>	§	<b>IN THE COURT OF</b>	FILED
	§		COURT OF CRIMINAL APPEALS
<b>VS.</b>	§	<b>CRIMINAL APPEALS</b>	11/7/2017
	§		DEANA WILLIAMSON, CLERK
<b>STATE OF TEXAS</b>	§	<b>OF TEXAS</b>	

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**MOTION FOR REASONABLE BAIL  
PENDING FINAL DETERMINATION OF APPEAL**

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**TO THE HONORABLE JUDGES OF SAID COURT:**

Now comes Peter Anthony Traylor, Appellant in the above styled and numbered cause, and moves the Texas Court of Criminal Appeals to set bail in a reasonable amount pending final determination of an appeal, pursuant to Tex. Code Crim. Proc. Ann. art. 44.04(h), and in support thereof shows the following:

1. Tex. Code Crim. Proc. Ann. art. 44.04(h) provides, in pertinent part:

If a conviction is reversed by a decision of a Court of Appeals, the defendant, if in custody, is entitled to release on reasonable bail, regardless of the length of term of imprisonment, pending final determination of an appeal by the state or the defendant on a motion for discretionary review.

\* \* \*

If the defendant requests bail after a petition for discretionary review has been filed, the Court of Criminal Appeals shall determine the amount of bail.

\* \* \*

The defendant's right to release under this subsection attaches immediately on the issuance of the Court of Appeals' final ruling as defined by Tex. Cr. App. R. 209(c).

2. Appellant has been continuously confined, first at the Collin County Jail, then, at the Texas Department of Criminal Justice, under a sentence of twenty (20) years imprisonment, since sentenced on May 14, 2013. On May 25, 2017 (August 3, 2017), the Court of Appeals reversed appellant's conviction for the first-degree felony burglary offense and rendered a judgment of acquittal on that charge, rendered a judgment of conviction on the second-degree felony burglary offense, and remanded the proceedings back to the Trial Court consistent with the Appellate Court's opinion. *See Peter Anthony Traylor v. State*. Since a petition for discretionary review has been filed, Article 44.04(h) requires that this Court "shall determine the amount of bail". This provision makes it clear that appellant is absolutely entitled to reasonable bail.

3. Considering the totality of circumstances, appellant requests to be admitted to reasonable bail, in the amount of no more than \$3,000.00, pending final determination of this appeal.

**WHEREFORE, PREMISES CONSIDERED**, Appellant prays that this Court set bail pending final determination of this appeal in the amount of \$3,000.00.

Respectfully submitted,

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By: /s/ Marc J. Fratter  
Marc J. Fratter  
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Attorney for Peter Anthony Traylor

**CERTIFICATE OF SERVICE**

This is to certify that on November 2, 2017, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, Collin County, Texas, by electronic delivery.

/s/ Marc J. Fratter  
Marc J. Fratter